

# HOUSE BILL No. 1173

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-30.

**Synopsis:** Ignition interlock devices. Provides that a court may grant probationary driving privileges to a person who is convicted of operating a vehicle or motorboat while intoxicated (OWI) and who does not have a previous OWI conviction or whose previous OWI conviction was at least ten years in the past, but only if the court grants the probationary driving privileges subject to the condition that for six months the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device. Requires a court, when granting probationary driving privileges to a person who is convicted of OWI and whose previous OWI conviction was at least five but less than ten years in the past, to grant the probationary driving privileges subject to the condition that for six months the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device.

**Effective:** July 1, 2008.

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**Duncan, Austin**

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January 10, 2008, read first time and referred to Committee on Judiciary.

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Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## HOUSE BILL No. 1173

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A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 9-30-5-10, AS AMENDED BY P.L.172-2006,  
2       SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2008]: Sec. 10. (a) In addition to a criminal penalty imposed  
4       for an offense under this chapter or IC 14-15-8, the court shall, after  
5       reviewing the person's bureau driving record and other relevant  
6       evidence, recommend the suspension of the person's driving privileges  
7       for the fixed period of time specified under this section.

8       (b) If the court finds that the person:

9           (1) does not have a previous conviction of operating a vehicle or  
10          a motorboat while intoxicated; or

11          (2) has a previous conviction of operating a vehicle or a  
12          motorboat while intoxicated that occurred at least ten (10) years  
13          before the conviction under consideration by the court;

14       the court shall recommend the suspension of the person's driving  
15       privileges for at least ninety (90) days but not more than two (2) years.

16       **The court may stay the execution of the part of the suspension that**  
17       **exceeds the minimum period of suspension and grant the person**



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1 probationary driving privileges for a period of time equal to the  
 2 length of the stay. **Except as provided in subsection (g), if the court**  
 3 **grants probationary driving privileges under this subsection, the**  
 4 **court shall order that the probationary driving privileges include**  
 5 **the condition that for six (6) months the person may not operate a**  
 6 **motor vehicle unless the motor vehicle is equipped with a**  
 7 **functioning certified ignition interlock device under IC 9-30-8.**

8 (c) If the court finds that the person has a previous conviction of  
 9 operating a vehicle or a motorboat while intoxicated and the previous  
 10 conviction occurred more than five (5) years but less than ten (10)  
 11 years before the conviction under consideration by the court, the court  
 12 shall recommend the suspension of the person's driving privileges for  
 13 at least one hundred eighty (180) days but not more than two (2) years.  
 14 The court may stay the execution of that part of the suspension that  
 15 exceeds the minimum period of suspension and grant the person  
 16 probationary driving privileges for a period of time equal to the length  
 17 of the stay. **Except as provided in subsection (g), if the court grants**  
 18 **probationary driving privileges under this subsection, the court**  
 19 **shall order that the probationary driving privileges include the**  
 20 **condition that for six (6) months the person may not operate a**  
 21 **motor vehicle unless the motor vehicle is equipped with a**  
 22 **functioning certified ignition interlock device under IC 9-30-8.**

23 (d) If the court finds that the person has a previous conviction of  
 24 operating a vehicle or a motorboat while intoxicated and the previous  
 25 conviction occurred less than five (5) years before the conviction under  
 26 consideration by the court, the court shall recommend the suspension  
 27 of the person's driving privileges for at least one (1) year but not more  
 28 than two (2) years. The court may stay the execution of that part of the  
 29 suspension that exceeds the minimum period of suspension and grant  
 30 the person probationary driving privileges for a period of time equal to  
 31 the length of the stay. **Except as provided in subsection (g), if the**  
 32 **court grants probationary driving privileges under this subsection, the**  
 33 **court shall order that the probationary driving privileges include the**  
 34 **requirement condition that for six (6) months the person may not**  
 35 **operate a motor vehicle unless the motor vehicle is equipped with a**  
 36 **functioning certified ignition interlock device under IC 9-30-8.**  
 37 However, the court may grant probationary driving privileges under  
 38 this subsection without requiring the installation of an ignition  
 39 interlock device; if the person is successfully participating in a court  
 40 supervised alcohol treatment program in which the person is taking  
 41 disulfiram or a similar substance that the court determines is effective  
 42 in treating alcohol abuse. The person granted probationary driving

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privileges under this subsection shall pay all costs associated with the installation of an ignition interlock device unless the sentencing court determines that the person is indigent.

(e) If the conviction under consideration by the court is for an offense under:

- (1) section 4 of this chapter;
- (2) section 5 of this chapter;
- (3) IC 14-15-8-8(b); or
- (4) IC 14-15-8-8(c);

the court shall recommend the suspension of the person's driving privileges for at least two (2) years but not more than five (5) years.

(f) If the conviction under consideration by the court is for an offense involving the use of a controlled substance listed in schedule I, II, III, IV, or V of IC 35-48-2, in which a vehicle was used in the offense, the court shall recommend the suspension or revocation of the person's driving privileges for at least six (6) months.

**(g) A court may grant probationary driving privileges to a person under subsection (b), (c), or (d) without imposing the condition that the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device if the person is successfully participating in a court supervised alcohol treatment program in which the person is taking disulfiram or a similar substance that the court determines is effective in treating alcohol abuse.**

**(h) If a person is granted probationary driving privileges under subsection (b), (c), or (d) subject to the condition that the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device, the person shall pay all costs associated with the installation of an ignition interlock device in the person's motor vehicle unless the sentencing court determines that the person is indigent.**

SECTION 2. IC 9-30-8-1, AS AMENDED BY P.L.172-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) If a court orders the installation of a certified ignition interlock device under IC 9-30-5 on a motor vehicle that a person whose license is restricted owns or expects to operate, except as provided in subsection (b), the court shall set the time that the installation must remain in effect. However, the term may not exceed the maximum term of imprisonment the court could have imposed. The person shall pay the cost of installation unless the sentencing court determines that the person is indigent.

(b) If the court orders installation of a certified ignition interlock

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- 1 device under ~~IC 9-30-5-10(d)~~, **IC 9-30-5-10**, the installation must  
2 remain in effect for a period of six (6) months.

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